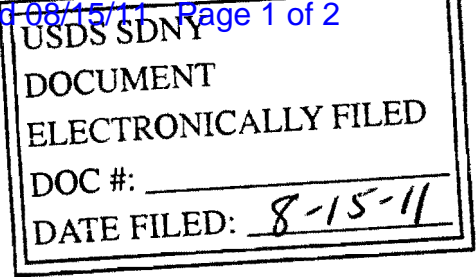


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ILLINOIS NATIONAL INSURANCE CO., et  
al.,



11 Civ. 431 (PKC)

-against-

TUTOR PERINI CORP.,

Defendant.  
-----X


ORDER

P. KEVIN CASTEL, District Judge:

In a letter dated August 3, 2011, plaintiffs requested a pre-motion conference in anticipation of a proposed summary judgment motion. This is a declaratory judgment action in which plaintiffs-insurers seek declarations as to their coverage obligations under commercial general liability policies for allegedly faulty construction work performed on a bus depot. A motion to dismiss is pending, and discovery is scheduled to close on October 28, 2011.

Plaintiffs' proposed summary judgment motion is premature. Among other things, the defendant contends that plaintiffs' coverage obligations turn in part upon the work allegedly performed by a subcontractor, and the precise cause of underlying property damage. The defendant contends that damage to the bus depot was caused by a subcontractor, in which case, a policy exclusion cited by the plaintiffs does not apply. The defendant also contends that discovery is necessary to interpret exclusions in the policies. As a consequence, I conclude that the plaintiffs' proposed motion for summary judgment is, at this juncture, premature. Plaintiffs may revisit the proposed summary judgment motion after the close of discovery.

SO ORDERED.

  
\_\_\_\_\_  
P. Kevin Castel  
United States District Judge

Dated: New York, New York  
August<sup>6</sup><sub>th</sub>, 2011